

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

THE BANK OF NEW YORK TRUST
COMPANY, N.A., as Trustee,

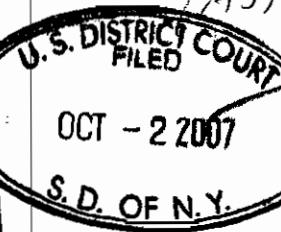
Plaintiff,

- against -

FIRST MAGNUS CAPITAL, INC. and THOMAS
W. SULLIVAN, SR. as Trustee of the THOMAS
W. SULLIVAN SR. REVOCABLE TRUST,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>10/2/07</u>
DATE FILED: <u>10/2/07</u>
07 Civ. 8255 (PKC)



ORDER TO SHOW CAUSE

ORDERED that the parties
should meet and confer
on a case management
plan and scheduling order
(See Court website under
the undersigned's entry.)

UPON the annexed Declaration of Howard Altschul, dated October 2, 2007, the exhibits thereto, the complaint in this action, and the accompanying memorandum of law, it is hereby

ORDERED that defendants or their attorneys show cause before this Court, at the Courthouse, 500 Pearl Street, Courtroom 12C, New York, New York, on October 5, 2007, at 2:00 P.M., or as soon thereafter as counsel may be heard, why plaintiff should not be allowed, pursuant to Fed. R. Civ. P. 26(d), to obtain expedited discovery concerning the assets of defendant First Magnus Capital, Inc., and it is further

ORDERED that delivery by Federal Express of a copy of this Order and the papers on which it was granted on defendants at their offices at 603 North Wilmot Road, Tucson, AZ and fax or telephone notice by 5pm October 2, 85711, on or before October 3, 2007, shall be good and sufficient service.

Dated: New York, New York
October 2, 2007

Returned to chambers for scanning on 10/4/07.
Scanned by chambers on _____


P. KEVIN CASTEL
United States District Judge

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